

**THIRTY-SEVENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 11, 2003**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jenna Adams, Page.

Approval of Journal

February 11, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-sixth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

February 10, 2003

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 55, H 68, H 69, H 74, H 75, H 77, H 79, and H 80

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

February 10, 2003

Mr. Speaker:

I return herewith enrolled **H 31** and **H 6** which have been signed by the President.

WOOD, Secretary

Enrolled **H 31** and **H 6** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 10, 2003

Mr. Speaker:

I transmit herewith **S 1029, S 1030, and S 1031** which have

passed the Senate.

WOOD, Secretary

S 1029, S 1030, and S 1031 were filed for first reading.

February 10, 2003

Mr. Speaker:

I return herewith **H 91** and **H 33** which have passed the Senate.

WOOD, Secretary

H 91 and **H 33** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 11, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 18, HCR 19, HCR 20, H 208, H 209, H 210, H 211, H 212, H 213, H 214, H 215, H 216, H 217, H 218, H 219, H 220, H 221, H 222, H 223, H 224, and HJR 2.**

FIELD(18), Chairman

HCR 20, H 213, H 214, H 215, H 216, H 217, H 218, H 220, and H 221 were referred to the Judiciary, Rules, and Administration Committee.

HJR 2 was referred to the Revenue and Taxation Committee.

H 208, H 209, H 210, H 211, and H 212 were referred to the Resources and Conservation Committee.

H 223 and **H 224** were referred to the State Affairs Committee.

HCR 18, HCR 19, H 219, and H 222 were filed for second reading.

February 11, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 90** and **H 86.**

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 90** and **H 86**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 11, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 53** and **H 54** to the Governor at 11:35 a.m., as of this date, February 10, 2003.

FIELD(18), Chairman

February 10, 2003

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 142** and recommend that it do pass.

CROW, Chairman

H 142 was filed for second reading.

February 10, 2003

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 105** and **H 157** and recommend that they do pass.

JONES, Chairman

H 105 and **H 157** were filed for second reading.

February 10, 2003

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENTAL AFFAIRS, report that we have had under consideration **H 149** and **H 150** and recommend that they do pass.

BARRACLOUGH, Chairman

H 149 and **H 150** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 21 BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE CONCERNING THE USE OF UTILIZATION MANAGEMENT OF MEDICAID SERVICES PROVIDED TO PERSONS WITH DEVELOPMENTAL DISABILITIES AND DIRECTING THE ADOPTION OF THE MOST COST-EFFECTIVE PROGRAM WITH FEATURES SPECIFIED BY THE DEPARTMENT OF HEALTH AND WELFARE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Utilization Management of Medicaid services provided to persons with developmental disabilities is necessary on a uniformly applied statewide basis to preserve precious resources while ensuring that appropriate services are provided; and

WHEREAS, an effective Utilization Management plan for Idaho requires use of objective standards to assess the services needed by each individual consumer, including standardized assessment of service needs, prior authorization, Healthy Connections and plan development, which are all vital to cost containment and the success of the overall Utilization Management plan; and

WHEREAS, the Department of Health and Welfare has recently allowed clients with mental illness to choose a qualified

provider for assessments and plan development with the Department's prior authorization; and

WHEREAS, the November 2000 report of the Lewin Group to the Idaho Legislature regarding Medicaid expenditures found that "...designing a comprehensive Utilization Management plan that rectifies current weaknesses while continuing to include regional staff seems the most reasonable approach."; and

WHEREAS, the 2002 Region 2 Pilot Project report of Julie Fodor, contractor for the University of Idaho stated that "Typically Department Developmental Disability Professional staff have a long history with the consumers in their region and are readily experienced with the assessment process, problem-solving, and accessing information. In our opinion it would take an independent contractor at least two years of experience to be capable of delivering a coordinated quality service."; and

WHEREAS, the Department of Health and Welfare data shows that by using the state's then existing authority to require prior authorization of services, per-consumer costs for developmentally disabled services had decreased significantly prior to implementation of the Region 2 Pilot Project; and

WHEREAS, the cost of implementing the Region 2 Pilot Project on a statewide basis would include, at a minimum of \$1.5 million for an independent assessment contractor, additional FTEs within the Department of Health and Welfare, and \$1.3 million for computer upgrades; and

WHEREAS, with the current fiscal condition of the state of Idaho, improvements to Idaho's Utilization Management efforts must be established without addition of FTEs or additional capital outlay; and

WHEREAS, the Department of Health and Welfare currently preauthorizes a large percentage of services to the developmentally disabled.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the most appropriate and cost-effective Utilization Management program for services for persons with developmental disabilities will be implemented by the Department of Health and Welfare with the following features:

1. The Department of Health and Welfare will provide consumers with a list of those providers within their region that are qualified to complete SIB-R or other similar standardized testing to determine the client's eligibility for services.

2. Such eligible consumer can choose a provider qualified to develop a service plan for the consumer using objective standards, including current standardized assessments, history, vocational status, educational status, financial status, family and community supports, residential situation and availability of community services.

3. The Service Plan will be developed with the consumer and support team and will be based on the results of the consumer's measurement of abilities and needs according to the Objective Standards with a resulting plan that prioritizes the needs and goals for the consumer. Regional Health and Welfare Department staff will be invited to attend the planning meeting. A budget for delivery of the services under the plan will be included.

4. The Service Plan will be submitted to a physician participating in Healthy Connections who, subject to his professional opinion regarding the appropriateness of the services

recommended as compared to the needs of the consumer, will write an order for such services.

5. The Service Plan, budget and physician's order will then be submitted to Regional Health and Welfare Department staff for prior authorization.

6. Upon authorization by the Regional staff, the particulars of the Service Plan, budget and physician's order will then be entered into the Department's computer system.

7. Upon entry of the required information into the Department's computer system, delivery of service will begin including the provider conducting baseline assessments for ordered services, as appropriate.

8. Annually the plan will be reviewed by the provider in consultation with the Healthy Connections physician to evaluate outcomes from the services provided. The Service Plan, including any changes recommended by the consumer's provider and ordered by the physician will be submitted for re-authorization by the Regional Health and Welfare Department staff. Until a new plan is approved, services will continue pursuant to the previous plan. The Service Plan will also be subject to review upon the occasion of any substantial change in condition or circumstances for the consumer.

9. The Department of Health and Welfare will work with providers, consumers and families to define the objective standards which are appropriate for an individual consumer to ensure that the right services are delivered to the consumer in the right setting and at the right cost.

HCR 21 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 225
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO INCOME TAX CREDITS; AMENDING SECTION 63-3029I, IDAHO CODE, TO CLARIFY THAT THE TAX CREDIT FOR INVESTMENT IN BROADBAND EQUIPMENT IS TRANSFERABLE ONLY BY THE TAXPAYER WHO EARNED THE CREDIT AND TO PROVIDE FOR THE TRANSFER; AMENDING SECTION 63-3029J, IDAHO CODE, TO CLARIFY THAT THE INCENTIVE INVESTMENT TAX CREDIT IS TRANSFERABLE ONLY BY THE TAXPAYER WHO EARNED THE CREDIT; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

**HOUSE BILL NO. 226
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO TRESPASS; AMENDING SECTION 6-202A, IDAHO CODE, TO PROVIDE THAT CERTAIN TRESPASS PROVISIONS DO NOT APPLY TO SMOKE FROM AGRICULTURAL FIELD BURNING OR ODORS FROM AGRICULTURAL ACTIVITIES.

**HOUSE BILL NO. 227
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO SMOKE MANAGEMENT AND CROP RESIDUE DISPOSAL; AMENDING CHAPTER 48, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-4805, IDAHO CODE, TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED AGAINST PERSONS ENGAGING IN AGRICULTURAL FIELD BURNING OR CROP RESIDUE DISPOSAL UNDER CERTAIN CONDITIONS AND TO PROVIDE THAT ENFORCEMENT THROUGH THE APPROPRIATE AGENCY SHALL BE THE EXCLUSIVE REMEDY FOR CERTAIN VIOLATIONS.

**HOUSE BILL NO. 228
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO AGRICULTURAL FIELD BURNING; AMENDING SECTION 22-4803, IDAHO CODE, TO PROVIDE THAT RULES PROMULGATED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY RELATING TO OPACITY STANDARDS SHALL NOT APPLY TO CROP RESIDUE BURNING.

**HOUSE BILL NO. 229
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO LOCAL LAND USE PLANNING AND THE PERMIT GRANTING PROCESS; AMENDING SECTION 67-6519, IDAHO CODE, TO REQUIRE THE COMMISSION WHEN REVIEWING PERMIT APPLICATIONS OF A PUBLIC SCHOOL FACILITY TO SPECIFICALLY REVIEW FOR EFFECTS ON VEHICULAR, BICYCLE AND PEDESTRIAN VOLUMES ON ADJACENT ROADS AND HIGHWAYS, AND TO PROVIDE THAT THE APPROPRIATE HIGHWAY JURISDICTION SHALL REVIEW THE APPLICATION AND REPORT TO THE COMMISSION ON SPECIFIED ISSUES TO ENSURE THAT THE HIGHWAY SYSTEM CAN SATISFACTORILY ACCOMMODATE THE PROPOSED SCHOOL PROJECT.

**HOUSE BILL NO. 230
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO RULES OF THE ROAD; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-620, IDAHO CODE, TO PROVIDE THAT NO PERSON SHALL OPERATE ON ANY PUBLIC HIGHWAY OPEN FOR PUBLIC USE ANY VEHICLE WITH A LOAD OF GRAVEL OR ROCK UNLESS THE LOAD IS SECURELY COVERED TO PREVENT ANY OF THE LOAD FROM ESCAPING, TO PROVIDE AN EXCEPTION AND TO PROVIDE PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 231
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO RESTRICTIONS; AMENDING SECTION

49-948, IDAHO CODE, TO PROHIBIT THE USE OF STUDDED TIRES BETWEEN SPECIFIED DATES AND TO PROVIDE EXCEPTIONS, TO ESTABLISH WEIGHT AND PROTRUSION STANDARDS FOR STUDS IN TIRES AND TO PROHIBIT CERTAIN TRADE PRACTICES.

HOUSE BILL NO. 232
BY LOCAL GOVERNMENT COMMITTEE
AN ACT

RELATING TO BUSINESS IMPROVEMENT DISTRICTS; AMENDING SECTION 50-2617, IDAHO CODE, TO REVISE THE SPECIAL ASSESSMENT EXEMPTION PERIOD FOR NEW BUSINESSES; AMENDING CHAPTER 26, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2623, IDAHO CODE, TO REQUIRE PROPERTY OWNERS TO PROVIDE CERTAIN DISCLOSURES TO PROSPECTIVE LESSEES OR PURCHASERS OF PROPERTY LOCATED WITHIN A BUSINESS IMPROVEMENT DISTRICT; AND AMENDING CHAPTER 26, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2624, IDAHO CODE, TO REQUIRE PROPERTY LESSORS OR SELLERS TO PROVIDE CERTAIN NOTIFICATION TO THE LEGISLATIVE AUTHORITY IN THE EVENT OF LEASE OR SALE OF PROPERTY LOCATED WITHIN A BUSINESS IMPROVEMENT DISTRICT.

HOUSE BILL NO. 233
BY LOCAL GOVERNMENT COMMITTEE
AN ACT

RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1410, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ELECTION OF FIRE PROTECTION DISTRICT COMMISSIONERS.

HOUSE BILL NO. 234
BY LOCAL GOVERNMENT COMMITTEE
AN ACT

RELATING TO ELECTIONS; AMENDING SECTIONS 34-304 AND 50-410, IDAHO CODE, TO PROVIDE THAT POLL WATCHERS MAY CHALLENGE THE RECEIVING AND COUNTING OF VOTES AND MAY WATCH AND CHALLENGE ANY OTHER PROCESS OR HANDLING REQUIRED BY THE CLERK.

HOUSE BILL NO. 235
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE RIGHT TO BREASTFEED; PROVIDING A STATEMENT OF LEGISLATIVE FINDINGS; AND AMENDING CHAPTER 10, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1009, IDAHO CODE, TO DELINEATE A WOMAN'S RIGHT TO BREASTFEED.

HOUSE BILL NO. 236
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO LICENSURE OF NURSES; AMENDING

CHAPTER 14, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1412A, IDAHO CODE, TO GOVERN LICENSURE OF FOREIGN EDUCATED NURSES.

HOUSE BILL NO. 237
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO CONTROLLED SUBSTANCES AND THE IDAHO BOARD OF PHARMACY; AMENDING SECTION 37-2705, IDAHO CODE, TO EXPAND THE DESCRIPTION OF GAMMA HYDROXYBUTYRIC ACID PRODUCTS LISTED TO MATCH THE DESCRIPTION IN SCHEDULE I OF CONTROLLED SUBSTANCES UNDER FEDERAL LAW, TO ALLOW SPECIFIC PRODUCTS CONTAINING GAMMA HYDROXYBUTYRIC ACID TO BE PLACED IN OTHER SCHEDULES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 37-2709, IDAHO CODE, TO ADD THE SUBSTANCE BUPRENORPHINE TO SCHEDULE III AND TO ADD TO SCHEDULE III ANY DRUG PRODUCT CONTAINING GAMMA HYDROXYBUTYRIC ACID, INCLUDING ITS SALTS, ISOMERS AND SALTS OF ISOMERS FOR WHICH AN APPLICATION IS APPROVED UNDER SECTION 505 OF THE FEDERAL FOOD, DRUG AND COSMETIC ACT; AMENDING SECTION 37-2713, IDAHO CODE, TO REMOVE THE SUBSTANCE BUPRENORPHINE FROM SCHEDULE V AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 37-2732C, IDAHO CODE, TO INCLUDE THE SUBSTANCES LISTED IN SUBSECTION (E) OF SECTION 37-2705, IDAHO CODE, AND ANY DRUG PRODUCT CONTAINING GAMMA HYDROXYBUTYRIC ACID, INCLUDING ITS SALTS, ISOMERS AND SALTS OF ISOMERS FOR WHICH AN APPLICATION IS APPROVED UNDER SECTION 505 OF THE FEDERAL FOOD, DRUG AND COSMETIC ACT UNDER THE PENALTY PROVISIONS FOR PERSONS BEING UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE AND BEING ON A PUBLIC ROADWAY OR CONVEYANCE.

HOUSE BILL NO. 238
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE UNLAWFUL PRACTICE OF DENTISTRY; AMENDING SECTION 54-905, IDAHO CODE, TO PROVIDE FOR CIVIL PENALTIES FOR THE UNLAWFUL PRACTICE OF DENTISTRY, TO PROVIDE A FORMULA FOR ASSESSING THE PENALTIES AND TO PROVIDE THAT THE CIVIL PENALTIES WILL BE REMITTED TO THE GENERAL FUND; AND AMENDING SECTION 54-933, IDAHO CODE, TO PROVIDE THAT THE COURT SHALL AWARD THE PARTY PROSECUTING THE INJUNCTION REASONABLE ATTORNEY'S FEES AND COSTS INCURRED IN MAINTAINING THE ACTION AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 239
BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO ADOPTION OF THE NATURAL HEALTH CARE ACT; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 50, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A STATEMENT OF PURPOSE, TO DEFINE TERMS, TO REQUIRE REGISTRATION TO PRACTICE NATURAL HEALTH CARE AND PROVIDE EXEMPTIONS, TO CREATE THE BOARD OF NATURAL HEALTH CARE, TO SPECIFY THE POWERS AND DUTIES OF THE BOARD, TO SPECIFY REQUIREMENTS FOR REGISTRATION AND DEFINE THE SCOPE OF PRACTICE, TO SPECIFY REQUIREMENTS FOR CERTIFICATION AND DEFINE THE SCOPE OF PRACTICE, TO SPECIFY THE REQUIREMENTS FOR LICENSURE AND DEFINE THE SCOPE OF PRACTICE, TO SPECIFY THE PUBLIC HEALTH AUTHORITY AND RESPONSIBILITY OF PRACTITIONERS, TO DEFINE UNCONVENTIONAL TREATMENT AND SPECIFY THE DISCLOSURE REQUIRED, TO CREATE THE NATURAL MEDICINE FORMULARY COUNCIL AND PROVIDE ADOPTION OF THE FORMULARY, TO PRESCRIBE LICENSE FEES, TO PROVIDE FOR SUSPENSION AND REVOCATION AND TO PROVIDE PENALTIES.

HOUSE BILL NO. 240**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO CHILD ABUSE, ABANDONMENT AND NEGLECT; AMENDING SECTION 16-1601, IDAHO CODE, TO PROVIDE CLARIFICATION OF THE STATEMENT OF POLICY; AMENDING SECTION 16-1602, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 16-1612, IDAHO CODE, TO SPECIFY ADDITIONAL CONDITIONS GOVERNING EMERGENCY REMOVAL OF A CHILD; AND AMENDING SECTION 16-1616, IDAHO CODE, TO SPECIFY ADDITIONAL CONDITIONS GOVERNING AUTHORIZATION OF EMERGENCY MEDICAL TREATMENT OF A CHILD.

HOUSE BILL NO. 241**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO MEDICAID PHARMACY REIMBURSEMENT; AMENDING SECTION 56-209G, IDAHO CODE, TO REQUIRE NEGOTIATED RULEMAKING RELATING TO CONDITIONS FOR DRUG COVERAGE FOR MEDICAID PATIENTS, TO ESTABLISH REQUIREMENTS FOR RULES ADOPTED GOVERNING CONDITIONS FOR DRUG COVERAGE AND TO DEFINE TERMS.

HOUSE BILL NO. 242**BY LOCAL GOVERNMENT COMMITTEE**

AN ACT

RELATING TO NONPROFIT CORPORATIONS; AMENDING SECTION 30-3-24, IDAHO CODE, TO PROVIDE THAT A NONPROFIT CORPORATION HAS THE ABILITY TO IMPOSE FINES OR PENALTIES UPON ITS MEMBERS UNDER CERTAIN CONDITIONS.

HOUSE BILL NO. 243**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO RETIREMENT BENEFITS FOR SCHOOL DISTRICT EMPLOYEES; AMENDING SECTION 33-1228, IDAHO CODE, TO REQUIRE ENROLLMENT AND EXPERIENCE REPORTS.

HOUSE BILL NO. 244**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO MILITARY PERSONNEL; AMENDING THE HEADING FOR CHAPTER 2, TITLE 46, IDAHO CODE, TO REFER TO PERSONNEL; AMENDING SECTION 46-216, IDAHO CODE, TO INCLUDE EMPLOYEES OF PUBLIC SCHOOL DISTRICTS IN THE JOB PROTECTION GUARANTEES OF STATE EMPLOYEES DURING TIME OF ACTIVE MILITARY SERVICE; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 245**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO THE CAMPAIGN FINANCE REPORTING LAW; AMENDING SECTION 67-6602, IDAHO CODE, TO FURTHER DEFINE THE TERM "PERSON" TO INCLUDE A POLITICAL SUBDIVISION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 246**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO THE COUNTY OPTION KITCHEN AND TABLE WINE ACT; AMENDING SECTION 23-1303, IDAHO CODE, TO DEFINE "DESSERT WINE," TO DEFINE "WINE" AND TO PROVIDE REFERENCES TO TABLE WINE, DESSERT WINE AND TABLE WINE AND DESSERT WINE LICENSES; AMENDING SECTION 23-1304, IDAHO CODE, TO PROVIDE THAT BOARDS OF COUNTY COMMISSIONERS MAY PERMIT THE SALE OF TABLE WINE AND/OR DESSERT WINE BY RESOLUTION OR BY SUBMITTING THE QUESTION OF PERMITTING SUCH SALES TO COUNTY ELECTORS, TO REVISE THE FORMS FOR RETAIL WINE SALE PETITIONS AND BALLOTS TO INCLUDE TABLE WINE AND DESSERT WINE, TO REVISE LANGUAGE RELATING TO THE ISSUANCE OF TABLE WINE AND/OR DESSERT WINE LICENSES BASED ON VOTES CAST AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 247**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO THE BROADCAST OF EMERGENCY INFORMATION; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-340, IDAHO CODE, TO PROVIDE FOR THE CIVIL IMMUNITY OF RADIO AND TELEVISION

BROADCASTING ORGANIZATIONS PARTICIPATING IN THE AMBER ALERT SYSTEM.

HOUSE BILL NO. 248
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE RESIDENTIAL MORTGAGE PRACTICES ACT; AMENDING SECTION 26-3103, IDAHO CODE, TO REMOVE LANGUAGE EXEMPTING PERSONS LICENSED UNDER THE IDAHO REAL ESTATE LICENSE LAW FROM PROVISIONS RELATING TO RESIDENTIAL MORTGAGE PRACTICES.

H 225, H 226, H 227, H 228, H 229, H 230, H 231, H 232, H 233, H 234, H 235, H 236, H 237, H 238, H 239, H 240, H 241, H 242, H 243, H 244, H 245, H 246, H 247, and H 248 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1029, S 1030, and S 1031, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 204, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

H 89, as amended, **H 111**, as amended, and **H 110**, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

H 9, as amended, by Mr. Speaker, requested by Bureau of Occupational Licenses, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 28 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **H 28** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30),

Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Bradford, Eskridge, Tilman. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 28** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 29 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eberle to open debate.

The question being, "Shall **H 29** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- Trail. Total -- 1.

Absent and excused -- Bradford, Eskridge, Tilman. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 29** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 133 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **H 133** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Roberts, Rydalch, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 61.

NAYS -- Bieter, Kulczyk, Langford, McKague, Nielsen, Ringo, Robison, Sali. Total -- 8.
Absent and excused -- Campbell. Total -- 1.
Total -- 70.

Whereupon the Speaker declared **H 133** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10:30 a.m., Wednesday, February 12, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:02 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk